

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1142**

---

### Introduced by Assembly Member Bloom

February 22, 2013

---

An act to ~~amend~~ *add* Section ~~14574~~ of 5008.9 to the Public Resources Code, relating to ~~beverage containers~~ *beaches and parks*.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1142, as amended, Bloom. ~~Beverage containers: redemption payments.~~ *State beaches and parks: smoking ban.*

*Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.*

*This bill would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system, as defined. The bill would establish a state-mandated local program by creating a new crime.*

*This bill would require the Department of Parks and Recreation to develop and post signs at a state coastal beach or a unit of the state park system to provide notice of the smoking prohibition, as specified.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires a beverage container distributor to pay a~~

redemption payment to the Department of Resources Recycling and Recovery (CalRecycle) in a specified manner. CalRecycle is required to deposit those amounts in the California Beverage Container Recycling Fund, which is continuously appropriated to CalRecycle to implement the act.

~~This bill would make technical, nonsubstantive changes to the provision regarding the redemption payment.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 5008.9 is added to the Public Resources
- 2     Code, to read:
- 3     5008.9. (a) For purposes of this section, the following
- 4     definitions apply:
- 5         (1) "Cigar" has the same meaning as defined in Section 104550
- 6         of the Health and Safety Code.
- 7         (2) "Cigarette" has the same meaning as defined in Section
- 8         104556 of the Health and Safety Code.
- 9         (3) "Smoke or smoking" means the carrying of a lighted pipe,
- 10         lighted cigar, or lighted cigarette, of any kind, or the lighting of
- 11         a pipe, cigar, or cigarette, of any kind, including, but not limited
- 12         to, tobacco or any other weed or plant.
- 13         (4) "State coastal beach" means an area that is owned,
- 14         operated, or under the jurisdiction of the state, an agency of the
- 15         state, or a department of the state and that adjoins the ocean, a
- 16         bay, or an estuary.
- 17         (5) "Unit of the state park system" means an area specified in
- 18         Section 5002.
- 19     (b) A person shall not smoke a cigar, cigarette, or other
- 20     tobacco-related product on a state coastal beach or in a unit of
- 21     the state park system.
- 22     (c) A person shall not dispose of used cigar, cigarette, or
- 23     tobacco-related product waste within the boundaries of an area
- 24     in which it is prohibited by this section.
- 25     (d) A person who violates this section is guilty of an infraction
- 26     and shall be punished by a fine of two hundred fifty dollars (\$250).
- 27     (e) The Department of Parks and Recreation shall develop and
- 28     post signs at a state coastal beach and a unit of the state park

1 *system to provide notice of the smoking prohibition set forth in*  
2 *subdivision (b). Signs shall be posted no later than January 1,*  
3 *2016.*

4 *SEC. 2. No reimbursement is required by this act pursuant to*  
5 *Section 6 of Article XIII B of the California Constitution because*  
6 *the only costs that may be incurred by a local agency or school*  
7 *district will be incurred because this act creates a new crime or*  
8 *infraction, eliminates a crime or infraction, or changes the penalty*  
9 *for a crime or infraction, within the meaning of Section 17556 of*  
10 *the Government Code, or changes the definition of a crime within*  
11 *the meaning of Section 6 of Article XIII B of the California*  
12 *Constitution.*

13 ~~SECTION 1. Section 14574 of the Public Resources Code is~~  
14 ~~amended to read:~~

15 ~~14574. (a) (1) A distributor of beverage containers shall pay~~  
16 ~~to the department the redemption payment for every beverage~~  
17 ~~container, other than a refillable beverage container, sold or~~  
18 ~~transferred to a dealer, less 1.5 percent for the distributor's~~  
19 ~~administrative costs.~~

20 ~~(2) The payment made by a distributor shall be submitted not~~  
21 ~~later than the last day of the month following the sale. The~~  
22 ~~distributor shall submit the payment in the form and manner that~~  
23 ~~the department prescribes.~~

24 ~~(b) (1) Notwithstanding subdivision (a), if a distributor displays~~  
25 ~~a pattern of operation in compliance with this division and the~~  
26 ~~regulations adopted pursuant to this division, to the satisfaction of~~  
27 ~~the department, the distributor may submit a single annual payment~~  
28 ~~of redemption payments, if the distributor's projected redemption~~  
29 ~~payment for a calendar year totals less than seventy-five thousand~~  
30 ~~dollars (\$75,000).~~

31 ~~(2) An annual redemption payment made pursuant to this~~  
32 ~~subdivision is due and payable on or before February 1 for every~~  
33 ~~beverage container sold or transferred by the distributor to a dealer~~  
34 ~~in the previous calendar year.~~

35 ~~(3) A distributor shall notify the department of its intent to~~  
36 ~~submit an annual redemption payment pursuant to this subdivision~~  
37 ~~on or before January 31 of the calendar year for which the payment~~  
38 ~~will be due.~~